

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

APRIL 4, 2012

SENATE FILE 2237

S-5161

1 Amend the House amendment, S-5153, to Senate File
2 2237, as passed by the Senate, as follows:
3 1. Page 1, after line 2 by inserting:
4 <____. Page 1, after line 15 by inserting:
5 <Sec. _____. Section 99B.7, subsection 3, paragraph
6 a, Code Supplement 2011, is amended to read as follows:
7 a. (1) A person wishing to conduct games and
8 raffles pursuant to this section as a qualified
9 organization shall submit an application and a license
10 fee of one hundred fifty dollars. The annual license
11 fee for a statewide raffle license shall be one
12 hundred fifty dollars. However, upon submission of an
13 application accompanied by a license fee of fifteen
14 dollars, a person may be issued a limited license
15 to conduct all games and raffles pursuant to this
16 section at a specified location and during a specified
17 period of fourteen consecutive calendar days, except
18 that a bingo occasion may only be conducted once per
19 each seven consecutive calendar days of the specified
20 period. In addition, a qualified organization may be
21 issued a limited license to conduct raffles pursuant to
22 this section for a period of ninety days for a license
23 fee of forty dollars or for a period of one hundred
24 eighty days for a license fee of seventy-five dollars.
25 For the purposes of this paragraph, a limited license
26 is deemed to be issued on the first day of the period
27 for which the license is issued.
28 (2) A qualified organization representing veterans
29 is exempt from assessment and payment of a license fee
30 under this paragraph.>>
31 2. Page 1, after line 9 by inserting:
32 <Sec. _____. Section 423.3, subsection 78, paragraph
33 c, Code Supplement 2011, is amended to read as follows:
34 c. This exemption does not apply to the sales price
35 from games of skill, games of chance, raffles, and
36 bingo games as defined in chapter 99B. However, this
37 exemption does apply to the sales price from raffles
38 as defined in chapter 99B conducted by a qualified
39 organization representing veterans that is exempt from
40 federal income tax under section 501(c)(19) of the
41 Internal Revenue Code if the profits from the sales
42 price are used for educational purposes to include
43 providing scholarships.
44 d. This exemption is disallowed on the amount of
45 the sales price only to the extent the profits from the
46 sales, rental, or services are not used by or donated
47 to the appropriate entity and expended for educational,
48 religious, or charitable purposes.>>
49 3. Page 1, line 13, after <organizations> by
50 inserting <, concerning fees and taxes applicable to

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1 qualified veterans organizations for conducting certain
2 games and raffles,>
3 4. By renumbering as necessary.

By TIM KAPUCIAN
STEVEN SODDERS

S-5161 FILED APRIL 3, 2012

S-5166

1 Amend Senate File 2284 as follows:
2 1. Page 1, line 8, by striking <a> and inserting
3 <an enrolled>
4 2. Page 2, after line 1 by inserting:
5 <Sec. _____. COMPETENCY-BASED INSTRUCTION TASK FORCE.
6 1. The superintendents of the school districts
7 that have been approved by the department of education
8 to implement competency-based instruction shall
9 appoint a task force to conduct a study regarding
10 competency-based instruction standards and options
11 and the integration of competency-based instruction
12 with the Iowa core curriculum, and to develop related
13 assessment models and professional development focused
14 on competency-based instruction.
15 2. At a minimum, the task force shall do all of the
16 following:
17 a. Redefine the Carnegie unit into competencies.
18 b. Construct personal learning plans and templates.
19 c. Develop student-centered accountability and
20 assessment models.
21 d. Empower learning through technology.
22 e. Develop supports and professional development
23 for educators to transition to a competency-based
24 system.
25 3. The task force shall be comprised of at least
26 twelve members, nine of whom shall represent education
27 stakeholders and practitioners knowledgeable about
28 the Iowa core curriculum; one of whom shall be the
29 deputy director and administrator of the division of
30 learning and results of the department of education
31 or the deputy director's designee; one of whom shall
32 represent the area education agencies; and one of whom
33 shall represent the Iowa state education association.
34 4. The person representing the area education
35 agency shall convene the initial meeting. The task
36 force shall elect one of its members as chairperson.
37 After the initial meeting, the task force shall
38 meet at the time and place specified by call of the
39 chairperson. The department of education shall provide
40 staffing services for the task force.
41 5. a. The task force shall submit a preliminary
42 report that includes but is not limited to its
43 findings and recommendations relating to subsection 2,
44 paragraphs "b", "d", and "e", by January 15, 2013.
45 b. The task force shall submit its plan, findings,
46 models, and recommendations in a final report to the
47 state board of education, the governor, and the general
48 assembly by November 15, 2013.
49 Sec. _____. EFFECTIVE UPON ENACTMENT. The
50 section of this division of this Act relating to a

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1 competency-based task force, being deemed of immediate
2 importance, takes effect upon enactment.>

3 3. Page 2, after line 3 by inserting:

4 <Sec. _____. Section 256.7, subsection 21, paragraph
5 b, Code Supplement 2011, is amended to read as follows:

6 b. A set of core academic indicators in mathematics
7 and reading in grades four, eight, and eleven, a set
8 of core academic indicators in science in grades eight
9 and eleven, and another set of core indicators that
10 includes, but is not limited to, graduation rate,
11 postsecondary education, and successful employment in
12 Iowa. Rules adopted pursuant to this subsection shall
13 specify that the approved district-wide assessment of
14 student progress administered for purposes of this
15 paragraph shall be the assessment utilized by school
16 districts statewide in the school year beginning July
17 1, 2011. Annually, the department shall report state
18 data for each indicator in the condition of education
19 report.>

20 4. Page 2, line 6, by striking <curriculum> and
21 inserting <curriculum, if funds are appropriated by the
22 general assembly for that purpose,>

23 5. Page 2, lines 29 and 30, by striking <character
24 education,>

25 6. Page 2, after line 35 by inserting:
26 <(3) The provisions of section 256.18 shall be
27 considered by the state board in developing the core
28 curriculum requirements.>

29 7. By striking page 4, line 17, through page 5,
30 line 17.

31 8. By striking page 5, line 20, through page 6,
32 line 7.

33 9. Page 7, line 3, by striking <which> and
34 inserting <which, if funds are appropriated by the
35 general assembly,>

36 10. Page 7, line 5, after <committees> by inserting
37 <and school boards>

38 11. Page 7, by striking lines 19 through 22
39 and inserting <quality professional development
40 opportunities. Not less than four hours in each month
41 of the school calendar, held outside the minimum school
42 day, shall be set aside during nonpreparation time
43 or designated professional development time to allow
44 practitioners to collaborate with each other to deliver
45 educational programs and assess student learning, or
46 to engage in peer review pursuant to section 284.8,
47 subsection 1. The goal>

48 12. Page 7, by striking line 35 and inserting:
49 <Sec. _____. Section 284.8, subsection 1, Code 2011,
50 is>

1 13. Page 8, line 15, by striking <The> and
2 inserting <If funds are appropriated by the general
3 assembly, the>

4 14. By striking page 8, line 29, through page 9,
5 line 8.

6 15. Page 9, line 12, by striking <1.>

7 16. Page 9, by striking lines 27 through 29.

8 17. Page 9, line 31, by striking <The> and

9 inserting:

10 <1. If funds are appropriated by the general
11 assembly, the>

12 18. Page 9, by striking line 32 and inserting
13 <convene a task force to>

14 19. By striking page 9, line 34, through page
15 10, line 5, and inserting <system and a statewide
16 administrator evaluation system.

17 2. The task force shall be comprised of at least
18 twelve members as follows:

19 a. Nine members shall be appointed by the director
20 to represent education stakeholders and practitioners
21 knowledgeable about the Iowa core curriculum and may
22 include members currently serving on the department's
23 teacher quality partnership teacher evaluation team.

24 b. One member shall be the deputy director and
25 administrator of the division of learning and results
26 of the department of education or the deputy director's
27 designee.

28 c. One member shall represent the area education
29 agencies.

30 d. One member shall represent the Iowa state
31 education association.

32 3. The person representing the area education
33 agency shall convene the initial meeting. The task
34 force shall elect one of its members as chairperson.
35 After the initial meeting, the task force shall
36 meet at the time and place specified by call of the
37 chairperson. The department of education shall provide
38 staffing services for the task force.

39 4. To the extent>

40 20. Page 10, line 8, after <69.16C.> by inserting:

41 <5. The task force shall develop a statewide
42 teacher evaluation system and a statewide administrator
43 evaluation system that standardize the instruments and
44 processes used by school districts, charter schools,
45 and accredited nonpublic schools throughout the
46 state to evaluate teachers and administrators. The
47 components of the statewide teacher evaluation system
48 shall include but not be limited to the following:

49 a. Direct observation of classroom teaching
50 behaviors.

1 b. Balanced consideration of student growth
2 measures, when available for tested subjects and
3 grades, to supplement direct observation of classroom
4 teaching behaviors.
5 c. Integration of the Iowa teaching standards.
6 d. System applicability to teachers in all content
7 areas taught in a school.
8 6.>
9 21. Page 10, line 12, before <The> by inserting:
10 7.>
11 22. Page 10, line 17, by striking <The> and
12 inserting <If funds are appropriated by the general
13 assembly, the>
14 23. Page 11, line 24, after <examiners,> by
15 inserting <an organization representing school boards,
16 the>
17 24. Page 12, line 2, by striking <The> and
18 inserting <If funds are appropriated by the general
19 assembly, the>
20 25. Page 12, line 9, after <teachers,> by inserting
21 <an organization representing school boards,>
22 26. By striking page 13, line 13, through page 15,
23 line 33, and inserting:
24 <Sec. _____. Section 256.2, Code 2011, is amended by
25 adding the following new subsection:
26 NEW SUBSECTION. 2A. "Online learning" and "online
27 coursework" mean educational instruction and content
28 which is delivered primarily over the internet.
29 "Online learning" and "online coursework" do not include
30 printed-based correspondence education, broadcast
31 television or radio, videocassettes, or stand-alone
32 educational software programs that do not have a
33 significant internet-based instructional component.
34 Sec. _____. Section 256.7, Code Supplement 2011, is
35 amended by adding the following new subsection:
36 NEW SUBSECTION. 33. Adopt rules for online
37 learning in accordance with sections 256.24 and
38 256.24A.
39 Sec. _____. Section 256.7, subsection 7, paragraph d,
40 Code Supplement 2011, is amended to read as follows:
41 d. ~~For the purpose purposes of the rules adopted~~
42 ~~by the state board, telecommunications this chapter,~~
43 "telecommunications" means narrowcast communications
44 through systems that are directed toward a narrowly
45 defined audience and includes interactive live
46 communications. For purposes of this chapter,
47 "telecommunications" does not include online learning.>
48 27. Page 16, line 2, after <districts> by inserting
49 <and accredited nonpublic schools>
50 28. Page 16, after line 7 by inserting:

1 <____. The initiative shall include an online
2 learning program model designed to prepare teachers
3 to meet the needs of students in an online learning
4 environment, including but not limited to building
5 community interaction and support, developing
6 strategies for working with virtual students, and
7 assessing virtual students.>

8 29. Page 16, by striking lines 9 through 11 and
9 inserting <be taught by a teacher licensed under
10 chapter 272 who has completed an online-learning>

11 30. Page 16, after line 14 by inserting:

12 <____. Each participating school district and
13 accredited nonpublic school shall submit its online
14 curricula to the department for review. Each
15 participating school district and accredited nonpublic
16 school shall include in its comprehensive school
17 improvement plan submitted pursuant to section 256.7,
18 subsection 21, a list and description of the online
19 coursework offered by the district.>

20 31. Page 16, line 16, after <district> by inserting
21 <or accredited nonpublic school>

22 32. Page 16, line 20, after <district> by inserting
23 <or school>

24 33. Page 16, line 24, after <district> by inserting
25 <or accredited nonpublic school>

26 34. Page 16, after line 32 by inserting:

27 <Sec. _____. NEW SECTION. 256.24A Online learning
28 requirements – legislative findings and declarations.

29 1. The general assembly finds and declares the
30 following:

31 a. That prior legislative enactments on the use of
32 telecommunications in elementary and secondary school
33 classes and courses did not contemplate and were not
34 intended to authorize participation in open enrollment
35 under section 282.18 for purposes of attending
36 online schools, contracts to provide exclusively or
37 predominantly online coursework to students, or online
38 coursework that does not use teachers licensed under
39 chapter 272 for instruction and supervision.

40 b. That online learning technology has moved
41 ahead of Iowa's statutory framework and the current
42 administrative rules of the state board, promulgated
43 over twenty years ago, are inadequate to regulate
44 today's virtual opportunities.

45 c. That telecommunications and online learning are
46 important educational tools to supplement but not to
47 replace education provided by teachers licensed under
48 chapter 272.

49 d. That the use of telecommunications and online
50 learning to replace education provided by teachers

1 licensed under chapter 272 is not an effective use of
2 taxpayer money, increases the cost of administrative
3 oversight by state and local education officials,
4 and is not in the best interests of students or their
5 educational success.

6 2. A student who participates in open enrollment
7 under section 282.18 shall not receive more than fifty
8 percent of the student's coursework through online
9 learning.

10 3. A resident student shall not receive more
11 than fifty percent of the student's coursework
12 through online learning unless the school district
13 determines that the student's circumstances make
14 such online learning necessary and appropriate for
15 medical, disciplinary, safety, drop-out prevention, or
16 enrichment purposes.

17 4. Online learning curricula shall be provided and
18 supervised by a teacher licensed under chapter 272.>

19 35. Page 17, after line 4 by inserting:

20 <Sec. _____. Section 257.6, subsection 1, paragraph
21 a, Code 2011, is amended by adding the following new
22 subparagraph:

23 NEW SUBPARAGRAPH. (8) A student participating
24 in open enrollment under section 282.18, who receives
25 more than fifty percent of the student's coursework as
26 online coursework, as defined in section 256.2, shall
27 be counted as three-tenths of one pupil.>

28 36. Page 17, by striking lines 5 through 13.

29 37. Page 18, by striking lines 23 and 24 and
30 inserting <issued by the board of educational examiners
31 for ~~employment~~ the following:>

32 38. Page 19, by striking lines 7 through 16 and
33 inserting:

34 <NEW SUBSECTION. 36. Implement continuous
35 improvement in every undergraduate program offered by
36 an institution of higher education governed by the
37 board.

38 a. A continuous improvement plan shall be developed
39 and implemented built upon the results of the
40 institution's student outcomes assessment program using
41 the following phase-in timeline:

42 (1) For each course with typical annual enrollment
43 of three hundred or more, whether in one or multiple
44 sections, a continuous improvement plan shall be
45 developed and implemented beginning in the fall
46 semester of 2013.

47 (2) For each course with typical annual enrollment
48 of two hundred or more but less than three hundred,
49 whether in one or multiple sections, a continuous
50 improvement plan shall be developed and implemented

1 beginning in the fall semester of 2014.

2 (3) For each course with a typical annual
3 enrollment of one hundred or more but less than
4 two hundred, whether in one or multiple sections, a
5 continuous improvement plan shall be developed and
6 implemented beginning in the fall semester of 2015.

7 b. For each undergraduate course the institution
8 shall collect and use the results of formative and
9 summative assessments in its continuous improvement
10 plan. The board shall annually evaluate the
11 effectiveness of the plans and shall submit an
12 executive summary of its findings and recommendations
13 in its annual strategic plan progress report, a copy of
14 which shall be submitted to the general assembly.>

15 39. Page 20, after line 10 by inserting:

16 <Sec. _____. NEW SECTION. 262.94 College readiness
17 and awareness programs.

18 The state board of regents may establish or
19 contract to establish programs designed to increase
20 college readiness and college awareness in potential
21 first-generation college students and underrepresented
22 populations. The programs may include but shall not
23 be limited to college go center programs and science
24 bound programs.>

25 40. Page 20, line 32, by striking <sufficient>

26 41. Page 22, after line 4 by inserting:

27 <Sec. _____. Section 256.44, subsection 1, unnumbered
28 paragraph 1, Code 2011, is amended to read as follows:

29 A national board certification pilot project is
30 established to be administered by the department of
31 education. A If funds are appropriated by the general
32 assembly, a teacher, as defined in section 272.1,
33 who registers for or achieves national board for
34 professional teaching standards certification, and who
35 is employed by a school district in Iowa and receiving
36 a salary as a classroom teacher, may be eligible for
37 the following:>

38 42. Page 23, line 18, by striking <sufficient>

39 43. Page 23, line 19, by striking <center> and
40 inserting <center.

41 (1) The purpose of the center shall be>

42 44. Page 23, by striking lines 22 through 26 and
43 inserting:

44 <(a) Instructional strategies for prekindergarten
45 through grade twelve to achieve literacy proficiency
46 that includes reading, reading comprehension, and
47 writing for all students.

48 (b) Strategies for identifying and providing
49 evidence-based interventions for students, beginning in
50 kindergarten, who are at risk of not achieving literacy

1 proficiency.

2 (c) Models for effective school and community
3 partnerships to improve student literacy.

4 (d) Reading assessments.

5 (e) Professional development strategies and
6 materials to support teacher effectiveness in student
7 literacy development.

8 (f) Data reports on attendance center,
9 school district, and statewide progress toward
10 literacy proficiency in the context of student,
11 attendance center, and school district demographic
12 characteristics.

13 (2) The first efforts of the center shall focus on
14 kindergarten through grade three. The center shall
15 draw upon national and state expertise in the field of
16 literacy proficiency, including experts from Iowa's
17 institutions of higher education and area education
18 agencies with backgrounds in literacy development.
19 The center shall seek support from the Iowa research
20 community in data report development and analysis
21 of available information from Iowa education data
22 sources. The center shall work with the department
23 to identify additional needs for tools and technical
24 assistance for Iowa schools to help schools achieve
25 literacy proficiency goals and seek public and private
26 partnerships in developing and accessing necessary
27 tools and technical assistance.>

28 45. Page 23, line 31, by striking <Each> and
29 inserting <If funds for such purpose are appropriated
30 by the general assembly, each>

31 46. Page 23, line 34, after <district.> by
32 inserting <The assessment shall be aligned with state
33 early learning standards and preschool programs shall
34 be encouraged to administer the assessment at least at
35 the beginning and end of the preschool program, with
36 the assessment information entered into the statewide
37 longitudinal data system. The department shall work
38 to develop agreements with head start programs to
39 incorporate similar information about four-year-old
40 children served by head start into the statewide
41 longitudinal data system.>

42 47. Page 23, line 35, after <2.> by inserting <a.>

43 48. Page 24, after line 21 by inserting:

44 b. This subsection is repealed July 1, 2013.>

45 49. Page 24, by striking lines 25 through 31 and
46 inserting:

47 <a. A school district shall assess all students
48 enrolled in kindergarten through grade three at the
49 beginning of each school year for their level of
50 reading or reading readiness on locally determined

1 or statewide assessments, as provided in section
2 256.7, subsection 32. If funds are appropriated by
3 the general assembly, a school district shall provide
4 intensive reading instruction to any student who
5 exhibits a substantial deficiency in reading, based
6 upon the assessment, or through teacher observations.
7 The student's reading proficiency shall be>

8 50. Page 25, line 15, by striking <A> and inserting
9 <If funds are appropriated by the general assembly, a>

10 51. Page 25, by striking lines 21 and 22 and
11 inserting <deficiency, including>

12 52. Page 26, line 17, by striking <Provides> and
13 inserting <Provide>

14 53. Page 27, after line 14 by inserting:

15 <4. Ensuring continuous improvement in reading
16 proficiency.

17 a. To ensure all children are reading proficiently
18 by the end of third grade, each school district
19 shall address reading proficiency as part of its
20 comprehensive school improvement plan, drawing
21 upon information about children from assessments
22 conducted pursuant to subsection 1 and the prevalence
23 of deficiencies identified by classroom, elementary
24 school, and other student characteristics. As part
25 of its comprehensive school improvement plan, each
26 school district shall review chronic early elementary
27 absenteeism for its impact on literacy development. If
28 more than fifteen percent of an attendance center's
29 students are not proficient in reading by the end of
30 third grade, the comprehensive school improvement plan
31 shall include strategies to reduce that percentage,
32 including school and community strategies to raise the
33 percentage of students who are proficient in reading.

34 b. Each school district, subject to an
35 appropriation of funds by the general assembly, shall
36 provide professional development services to enhance
37 the skills of elementary teachers in responding to
38 children's unique reading issues and needs and to
39 increase the use of evidence-based strategies.

40 Sec. _____. CROSS-AGENCY ASSESSMENT INSTRUMENT
41 PLANNING GROUP. The department of education and the
42 early childhood Iowa state board shall collaborate
43 to form a cross-agency planning group. Members of
44 the planning group shall include teachers and school
45 leaders, and representatives from the departments of
46 public health, human services, and education, the Iowa
47 early childhood state and area boards, the state board
48 of regents, applicable nonprofit groups, and experts in
49 early childhood assessment and educational assessment.
50 The planning group shall study and select one standard,

1 multidomain assessment instrument for implementation
2 by all school districts for purposes of section
3 279.60, subsection 1. The instrument shall align with
4 agreed upon state and national curriculum standards.
5 The planning group shall study all costs associated
6 with implementing a universal assessment instrument.
7 The assessment instrument shall be administered at
8 least at the beginning and at the end of the school
9 year to measure student skills and academic growth.
10 The planning group shall submit its findings and
11 recommendations in a report to the general assembly by
12 November 15, 2012.>

13 54. Page 27, before line 15 by inserting:

14 <Sec. _____. REPEAL. Section 256D.9, Code 2011, is
15 repealed.

16 Sec. _____. EFFECTIVE DATE. The section of this
17 division of this Act that repeals section 256D.9 takes
18 effect June 30, 2012.>

19 55. Page 27, line 19, after <2013,> by inserting
20 <if funds are appropriated by the general assembly,>

21 56. Page 27, line 27, by striking <1, 2012> and
22 inserting <1>

23 57. Page 27, line 28, by striking <1, 2012.> and
24 inserting <1. A school district approved by the
25 department need not reapply in order to participate in
26 the pilot project in subsequent fiscal years.>

27 58. Page 28, line 7, by striking <seven> and
28 inserting <two and three-quarter>

29 59. Page 28, by striking lines 10 through 14 and
30 inserting <ending June 30 of the year preceding initial
31 participation in the pilot project. The total number
32 of students participating in>

33 60. Page 28, line 16, by striking <ten> and
34 inserting <twenty>

35 61. Page 28, line 17, by striking <participating>
36 and inserting <authorized to participate>

37 62. Page 28, line 24, by striking <July> and
38 inserting <June>

39 63. Page 29, after line 19 by inserting:

40 <DIVISION ____

41 CREATING OUTSTANDING INSTRUCTIONAL LEADERS

42 PILOT PROGRAM

43 Sec. _____. NEW SECTION. 256.34 Creating outstanding
44 instructional leaders pilot program.

45 1. If funds are appropriated by the general
46 assembly, the department shall establish the creating
47 outstanding instructional leaders pilot program to
48 promote excellence in the teaching profession. The
49 department shall distribute the funds appropriated in
50 the following manner each fiscal year:

1 a. The fifteen school districts in the state with
2 the highest student population shall receive funds to
3 provide for three peer coaching stipends in accordance
4 with this section.

5 b. The thirty-five school districts in the state
6 with the sixteenth through fiftieth highest student
7 population shall receive funds to provide for two peer
8 coaching stipends in accordance with this section.

9 c. Any remaining funds shall be allocated to the
10 area education agencies in proportion to the number of
11 students in the school districts in the area education
12 agencies which did not receive funds pursuant to
13 paragraph "a" or "b". The funds shall be used to
14 provide for peer coaching stipends in accordance with
15 this section for such school districts. The area
16 education agencies shall establish an application
17 process for such districts seeking funds for peer
18 coaching stipends.

19 2. A school district receiving funds shall use such
20 funds to establish yearly peer coaching stipends for
21 teachers in the amount of eight thousand dollars. A
22 school district shall use the funds in the school year
23 in which they are received and shall only use the funds
24 for the purposes provided in this section. Stipends
25 shall be awarded by the board of directors in charge of
26 a school district and shall only be awarded to teachers
27 who volunteer for the program.

28 3. A teacher receiving a peer coaching stipend
29 shall, in lieu of the teacher's daily preparation
30 activities during the school day, engage in peer
31 coaching in accordance with this section. The board of
32 directors in charge of a school district shall assign
33 peer coaches to teachers in need of additional guidance
34 in one or more aspects of the teaching profession.
35 Assignments shall be based on either a request
36 from a principal or from an individual teacher upon
37 approval of a principal. A peer coach shall still be
38 responsible for completing daily preparation activities
39 outside of the school day.

40 4. Peer coaching shall include detailed preliminary
41 discussions as to areas in which the teacher being
42 coached desires to improve; formulation of an action
43 plan to bring about such improvement; in-class
44 supervision by the peer coach; postclass discussion of
45 strengths, weaknesses, and strategies for improvement;
46 dialogue between the peer coach and students and school
47 officials regarding the teacher being coached; and
48 documentation of progress of the peer coaching.

49 5. The department shall establish by rule
50 evaluation criteria for determining the success of

1 the creating outstanding instructional leaders pilot
2 program and of individual peer coaches. Peer coaches
3 whom the department does not find effective shall not
4 be awarded a peer coaching stipend in succeeding years.

5 6. The department shall submit to the general
6 assembly by January 1, annually, a report on the
7 creating outstanding instructional leaders pilot
8 program. The report shall include the number of
9 peer coaching stipends awarded and to which school
10 districts, identifiable outcomes of the program, and
11 other pertinent information.

12 7. This section is repealed June 30, 2015.>

13 64. By striking page 29, line 20, through page 30,
14 line 25.

15 65. Title page, line 4, by striking <schools>
16 and inserting <schools, and including effective date
17 provisions>

By HERMAN C. QUIRMBACH

S-5166 FILED APRIL 3, 2012

HOUSE AMENDMENT TO
SENATE FILE 2311

S-5164

1 Amend Senate File 2311, as passed by the Senate, as
2 follows:

3 1. Page 54, after line 17 by inserting:

4 <DIVISION ____
5 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK
6 FUND BOARD

7 Sec. _____. Section 455G.4, subsection 1, paragraph
8 a, subparagraphs (4) and (5), Code Supplement 2011, are
9 amended to read as follows:

10 (4) ~~Two~~ Three public members appointed by the
11 governor and confirmed by the senate to staggered
12 four-year terms, except that, of the first members
13 appointed, one public member shall be appointed for a
14 term of two years and one for a term of four years. A
15 public member shall have experience, knowledge, and
16 expertise of the subject matter embraced within this
17 chapter. ~~The two~~ A public member shall ~~members shall~~ member may
18 have experience in either, or both, financial markets
19 or insurance.

20 (5) ~~Two~~ Three owners or operators appointed by the
21 governor, two of which shall be designated as follows:

22 (a) One member shall be an owner or operator who is
23 self-insured.

24 (b) One member shall be a member of the petroleum
25 marketers and convenience stores of Iowa or its
26 designee.>

27 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5164 FILED APRIL 3, 2012

S-5163

1 Amend the amendment, S-5152, to Senate File 2317,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, after line 7 by inserting:

5 <____. By striking page 12, line 10, through page
6 13, line 18, and inserting:

7 <Sec. _____. Section 483A.24, subsections 3 and
8 4, Code Supplement 2011, are amended by striking
9 the subsections and inserting in lieu thereof the
10 following:

11 3. The department shall make available for issuance
12 seventy-five nonresident deer hunting licenses
13 and seventy-five wild turkey hunting licenses to
14 nonresidents who have served in the armed forces of
15 the United States on active federal service and who
16 were disabled during the veteran's military service
17 or who are serving in the armed forces of the United
18 States on active federal service and have been disabled
19 during military service to enable the disabled person
20 to participate in a hunt that is conducted by an
21 organization that conducts hunting experiences in this
22 state for disabled persons. The licenses shall be
23 issued as follows:

24 a. The department shall prepare an application to
25 be used by a person requesting a special license under
26 this subsection.

27 (1) The department shall verify that the license
28 will be used by the applicant in connection with
29 a hunt conducted by an approved organization that
30 conducts hunting experiences in this state for disabled
31 veterans and members of the armed forces serving on
32 active federal service who have been disabled during
33 military service. The department shall specify, by
34 rules adopted under chapter 17A, what requirements
35 an organization must meet in order to be approved to
36 conduct hunts for disabled persons who obtain licenses
37 under this subsection.

38 (2) The department of veterans affairs shall assist
39 the department in verifying the status or claims of
40 applicants under this subsection. As used in this
41 subsection, "disabled" means entitled to a service
42 connected rating under 38 U.S.C. ch. 11 with a degree
43 of disability of thirty percent or more.

44 b. A license issued under this subsection shall be
45 in addition to the number of nonresident wild turkey
46 hunting licenses authorized pursuant to section 483A.7
47 and nonresident deer hunting licenses authorized
48 pursuant to section 483A.8. However, a nonresident
49 who obtains a license pursuant to this subsection is
50 not eligible to obtain a nonresident deer hunting

S-5163

Page 2

1 license or wild turkey hunting license under any other
2 provision of law.
3 c. A disabled person who receives a special license
4 under this subsection shall purchase a hunting license,
5 and a wild turkey hunting license or a deer hunting
6 license, if applicable, and pay the wildlife habitat
7 fee, all for the same fee that is charged to resident
8 hunters. If hunting deer, the disabled person shall
9 also pay a one dollar fee that shall be used and is
10 appropriated for the purpose of deer herd population
11 management, including assisting with the cost of
12 processing deer donated to the help us stop hunger
13 program administered by the commission.
14 d. A special hunting license shall be available for
15 issuance under this subsection to a disabled veteran or
16 disabled member of the armed forces serving on active
17 federal service for the same fee that is charged to
18 a resident hunter to enable such a disabled person
19 to participate in a hunt conducted by an organization
20 approved under this subsection for which only a hunting
21 license is required.
22 e. A disabled person who receives a special license
23 under this subsection shall complete the hunter safety
24 and ethics education course.
25 f. A license issued under this subsection is valid
26 for use only on a hunt conducted by an organization
27 approved under this subsection.
28 g. The commission shall adopt rules under chapter
29 17A for the administration of this subsection.>>
30 2. By renumbering as necessary.

By KENT SORENSON

S-5163 FILED APRIL 3, 2012

HOUSE AMENDMENT TO
SENATE FILE 2318

S-5165

1 Amend Senate File 2318, as passed by the Senate, as
2 follows:
3 1. Page 13, by striking lines 6 through 15.
4 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5165 FILED APRIL 3, 2012

SENATE FILE 2329

S-5162

1 Amend Senate File 2329 as follows:

2 1. Page 3, line 11, after <dollars.> by inserting
3 <In addition, the facility shall not qualify as a
4 baseball and softball tournament facility and movie
5 site if the facility or the owner or operator receives
6 any tax incentive from the state or participates in
7 any tax incentive program offered by the state, not
8 including the sales tax rebate provided pursuant to
9 this subsection.>

By MARK CHELGREN

S-5162 FILED APRIL 3, 2012

LOST

HOUSE FILE 2337

S-5167

1 Amend House File 2337, as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 FY 2012 - 2013 APPROPRIATIONS

7 Section 1. 2011 Iowa Acts, chapter 130, section 48,
8 is amended to read as follows:

9 SEC. 48. DEPARTMENT OF CULTURAL AFFAIRS. There
10 is appropriated from the general fund of the state to
11 the department of cultural affairs for the fiscal year
12 beginning July 1, 2012, and ending June 30, 2013, the
13 following amounts, or so much thereof as is necessary,
14 to be used for the purposes designated:

15 1. ADMINISTRATION

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions for the department:

19	\$	85,907
20		<u>171,813</u>
21	FTEs	<u>74.50</u>

22 The department of cultural affairs shall coordinate
23 activities with the tourism office of the ~~department of~~
24 economic development authority to promote attendance
25 at the state historical building and at this state's
26 historic sites.

27 Full-time equivalent positions authorized under
28 this subsection shall be funded, in full or in part,
29 using moneys appropriated under this subsection and
30 subsections 3 through 7.

31 2. COMMUNITY CULTURAL GRANTS

32 For planning and programming for the community
33 cultural grants program established under section
34 303.3:

35	\$	86,045
36		<u>172,090</u>

37 3. HISTORICAL DIVISION

38 For the support of the historical division:

39	\$	1,383,851
40		<u>2,767,701</u>

41 4. HISTORIC SITES

42 For the administration and support of historic
43 sites:

44	\$	213,199
45		<u>426,398</u>

46 5. ARTS DIVISION

47 For the support of the arts division:

48	\$	466,882
49		<u>933,764</u>

50 6. IOWA GREAT PLACES

S-5167

1 For the Iowa great places program established under
2 section 303.3C:
3 \$ 75,000
4 150,000

5 7. ARCHIVE IOWA GOVERNORS' RECORDS
6 For archiving the records of Iowa governors:
7 \$ 32,967
8 65,933

9 8. RECORDS CENTER RENT
10 For payment of rent for the state records center:
11 \$ 113,622
12 227,243

13 9. BATTLE FLAGS
14 For continuation of the project recommended by the
15 Iowa battle flag advisory committee to stabilize the
16 condition of the battle flag collection:
17 \$ 30,000
18 60,000

19 10. FILM OFFICE
20 For salaries, support, maintenance, miscellaneous
21 purposes, and for not more than the following full-time
22 equivalent positions:
23 \$ 200,000
24 FTEs 2.00

25 11. CULTURAL TRUST FUND
26 For deposit in the Iowa cultural trust fund created
27 in section 303A.4:
28 \$ 200,000

29 The board of trustees of the Iowa cultural trust
30 shall annually prepare a report for submission to the
31 governor, the general assembly, and the legislative
32 services agency regarding the activities, projects,
33 and programs funded with moneys allocated under this
34 subsection. This report shall be submitted each year
35 by January 15.

36 Sec. 2. 2011 Iowa Acts, chapter 130, section 49, is
37 amended to read as follows:
38 SEC. 49. GOALS AND ACCOUNTABILITY – ECONOMIC
39 DEVELOPMENT.

40 1. For the fiscal year beginning July 1, 2012,
41 the goals for the ~~department~~ of economic development
42 authority shall be to expand and stimulate the state
43 economy, increase the wealth of Iowans, and increase
44 the population of the state.

45 2. To achieve the goals in subsection 1, the
46 ~~department~~ of economic development authority shall do
47 all of the following for the fiscal year beginning July
48 1, 2012:

49 a. Concentrate its efforts on programs and
50 activities that result in commercially viable products

- 1 and services.
- 2 b. Adopt practices and services consistent with
- 3 free market, private sector philosophies.
- 4 c. Ensure economic growth and development
- 5 throughout the state.
- 6 d. Work with businesses and communities to
- 7 continually improve the economic development climate
- 8 along with the economic well-being and quality of life
- 9 for Iowans.
- 10 e. Coordinate with other state agencies to
- 11 ensure that they are attentive to the needs of an
- 12 entrepreneurial culture.
- 13 f. Establish a strong and aggressive marketing
- 14 image to showcase Iowa's workforce, existing industry,
- 15 and potential. A priority shall be placed on
- 16 recruiting new businesses, business expansion, and
- 17 retaining existing Iowa businesses. Emphasis shall be
- 18 placed on entrepreneurial development through helping
- 19 entrepreneurs secure capital, and developing networks
- 20 and a business climate conducive to entrepreneurs and
- 21 small businesses.
- 22 g. Encourage the development of communities and
- 23 quality of life to foster economic growth.
- 24 h. Prepare communities for future growth and
- 25 development through development, expansion, and
- 26 modernization of infrastructure.
- 27 i. Develop public-private partnerships with
- 28 Iowa businesses in the tourism industry, Iowa tour
- 29 groups, Iowa tourism organizations, and political
- 30 subdivisions in this state to assist in the development
- 31 of advertising efforts.
- 32 j. Develop, to the fullest extent possible,
- 33 cooperative efforts for advertising with contributions
- 34 from other sources.

35 Sec. 3. 2011 Iowa Acts, chapter 130, section 50,
 36 subsections 1, 2, 4, 5, and 6, are amended to read as
 37 follows:

38 1. APPROPRIATION

39 There is appropriated from the general fund of
 40 the state to the ~~department of~~ economic development
 41 authority for the fiscal year beginning July 1, 2012,
 42 and ending June 30, 2013, the following amounts, or
 43 so much thereof as is necessary, to be used for the
 44 purposes designated in subsection 2, and for not more
 45 than the following full-time equivalent positions:

46	\$	4,891,712
47		9,783,424
48	FTEs	149.00

49 2. DESIGNATED PURPOSES

- 50 a. For salaries, support, miscellaneous purposes,

1 programs, and the maintenance of an administration
2 division, a business development division, and a
3 community development division.

4 b. The full-time equivalent positions authorized
5 under this section shall be funded, in whole or in
6 part, by the moneys appropriated under subsection 1 or
7 by other moneys received by the ~~department~~ authority,
8 including certain federal moneys.

9 c. For business development operations and
10 programs, ~~the film office~~, international trade, export
11 assistance, workforce recruitment, and the partner
12 state program.

13 d. For transfer to the strategic investment fund
14 created in section 15.313.

15 e. For community economic development programs,
16 tourism operations, community assistance, plans
17 for Iowa green corps and summer youth programs,
18 the mainstreet and rural mainstreet programs, the
19 school-to-career program, the community development
20 block grant, and housing and shelter-related programs.

21 f. For achieving the goals and accountability, and
22 fulfilling the requirements and duties required under
23 this Act.

24 4. FINANCIAL ASSISTANCE RESTRICTIONS

25 a. A business creating jobs through moneys
26 appropriated in this section shall be subject to
27 contract provisions requiring new and retained jobs to
28 be filled by individuals who are citizens of the United
29 States who reside within the United States or any
30 person authorized to work in the United States pursuant
31 to federal law, including legal resident aliens in the
32 United States.

33 b. Any vendor who receives moneys appropriated in
34 this section shall adhere to such contract provisions
35 and provide periodic assurances as the state shall
36 require that the jobs are filled solely by citizens of
37 the United States who reside within the United States
38 or any person authorized to work in the United States
39 pursuant to federal law, including legal resident
40 aliens in the United States.

41 c. A business that receives financial assistance
42 from the ~~department~~ authority from moneys appropriated
43 in this section shall only employ individuals legally
44 authorized to work in this state. In addition to all
45 other applicable penalties provided by current law, all
46 or a portion of the assistance received by a business
47 which is found to knowingly employ individuals not
48 legally authorized to work in this state is subject to
49 recapture by the ~~department~~ authority.

50 5. USES OF APPROPRIATIONS

1 a. From the moneys appropriated in this section,
 2 the ~~department~~ authority may provide financial
 3 assistance in the form of a grant to a community
 4 economic development entity for conducting a local
 5 workforce recruitment effort designed to recruit former
 6 citizens of the state and former students at colleges
 7 and universities in the state to meet the needs of
 8 local employers.

9 b. From the moneys appropriated in this section,
 10 the ~~department~~ authority may provide financial
 11 assistance to early stage industry companies being
 12 established by women entrepreneurs.

13 c. From the moneys appropriated in this section,
 14 the ~~department~~ authority may provide financial
 15 assistance in the form of grants, loans, or forgivable
 16 loans for advanced research and commercialization
 17 projects involving value-added agriculture, advanced
 18 technology, or biotechnology.

19 d. The ~~department~~ authority shall not use any
 20 moneys appropriated in this section for purposes of
 21 providing financial assistance for the Iowa green
 22 streets pilot project or for any other program or
 23 project that involves the installation of geothermal
 24 systems for melting snow and ice from streets or
 25 sidewalks.

26 6. WORLD FOOD PRIZE

27 For allocating moneys for the world food prize and
 28 ~~notwithstanding in lieu of~~ the standing appropriation
 29 in section 15.368, subsection 1:

30	\$	250,000
31		<u>750,000</u>

32 Sec. 4. 2011 Iowa Acts, chapter 130, section 50,
 33 subsection 7, unnumbered paragraphs 1 and 2, are
 34 amended to read as follows:

35 For allocation to the Iowa commission on volunteer
 36 service for the Iowa's promise and mentoring
 37 partnership programs, for transfer to the Iowa state
 38 commission grant program, and for not more than the
 39 following full-time equivalent positions:

40	\$	89,067
41		<u>178,133</u>
42	FTEs	<u>7.00</u>

43 Of the moneys appropriated in this subsection, the
 44 ~~department~~ authority shall allocate ~~\$37,500~~ \$75,000 for
 45 purposes of the Iowa state commission grant program and
 46 ~~\$51,567~~ \$103,133 for purposes of the Iowa's promise and
 47 mentoring partnership programs.

48 Sec. 5. 2011 Iowa Acts, chapter 130, section 51, is
 49 amended to read as follows:

50 SEC. 51. VISION IOWA PROGRAM - FTE

1 AUTHORIZATION. For purposes of administrative duties
2 associated with the vision Iowa program for the fiscal
3 year beginning July 1, 2012, the ~~department of~~ economic
4 development authority is authorized an additional 2.25
5 FTEs above those otherwise authorized in this division
6 of this Act.

7 Sec. 6. 2011 Iowa Acts, chapter 130, section 52, is
8 amended to read as follows:

9 SEC. 52. INSURANCE ECONOMIC DEVELOPMENT. From
10 the moneys collected by the division of insurance
11 in excess of the anticipated gross revenues under
12 section 505.7, subsection 3, during the fiscal year
13 beginning July 1, 2012, \$100,000 shall be transferred
14 to the ~~department of~~ economic development authority
15 for insurance economic development and international
16 insurance economic development.

17 Sec. 7. 2011 Iowa Acts, chapter 130, section 53, is
18 amended to read as follows:

19 SEC. 53. COMMUNITY DEVELOPMENT LOAN
20 FUND. Notwithstanding section 15E.120, subsection
21 5, there is appropriated from the Iowa community
22 development loan fund all moneys available during the
23 fiscal year beginning July 1, 2012, and ending June
24 30, 2013, to the ~~department of~~ economic development
25 authority for purposes of the community development
26 program.

27 Sec. 8. 2011 Iowa Acts, chapter 130, is amended by
28 adding the following new section:

29 SEC. 53A. INCENTIVE FUND. There is appropriated
30 from the general fund of the state to the economic
31 development authority for the fiscal year beginning
32 July 1, 2012, and ending June 30, 2013, the following
33 amount to be used for the purposes of incentives and
34 assistance to create high quality jobs and pursuant to
35 chapter 15:

36 \$ 20,000,000

37 Notwithstanding section 8.33, moneys appropriated in
38 this section that remain unencumbered or unobligated
39 at the close of the fiscal year shall not revert but
40 shall remain available for expenditure for the purposes
41 designated until the close of the succeeding fiscal
42 year.

43 Sec. 9. 2011 Iowa Acts, chapter 130, is amended by
44 adding the following new section:

45 SEC. 53B. MAIN STREET. There is appropriated
46 from the general fund of the state to the economic
47 development authority for the fiscal year beginning
48 July 1, 2012, and ending June 30, 2013, the following
49 amount to be used for the purposes of the United
50 States department of housing and urban development's

1 main street challenge grants for historic building
 2 preservation:
 3 \$ 100,000

4 Notwithstanding section 8.33, moneys appropriated in
 5 this section that remain unencumbered or unobligated
 6 at the close of the fiscal year shall not revert but
 7 shall remain available for expenditure for the purposes
 8 designated until the close of the succeeding fiscal
 9 year.

10 Sec. 10. 2011 Iowa Acts, chapter 130, section 54,
 11 is amended to read as follows:

12 SEC. 54. WORKFORCE DEVELOPMENT FUND. There is
 13 appropriated from the workforce development fund
 14 account created in section 15.342A to the workforce
 15 development fund created in section 15.343 for the
 16 fiscal year beginning July 1, 2012, and ending June
 17 30, 2013, the following amount, for purposes of the
 18 workforce development fund:
 19 \$ ~~2,000,000~~
 20 4,000,000

21 Sec. 11. 2011 Iowa Acts, chapter 130, section 55,
 22 is amended to read as follows:

23 SEC. 55. WORKFORCE DEVELOPMENT ADMINISTRATION.
 24 From moneys appropriated or transferred to or receipts
 25 credited to the workforce development fund created in
 26 section 15.343, up to \$400,000 for the fiscal year
 27 beginning July 1, 2012, and ending June 30, 2013, are
 28 appropriated to the ~~department of~~ economic development
 29 authority for the administration of workforce
 30 development activities including salaries, support,
 31 maintenance, and miscellaneous purposes, and for not
 32 more than the following full-time equivalent positions:
 33 FTEs 4.00

34 Sec. 12. 2011 Iowa Acts, chapter 130, section 57,
 35 is amended to read as follows:

36 SEC. 57. IOWA STATE UNIVERSITY.
 37 1. There is appropriated from the general fund
 38 of the state to Iowa state university of science
 39 and technology for the fiscal year beginning July
 40 1, 2012, and ending June 30, 2013, the following
 41 amount, or so much thereof as is necessary, to be used
 42 for small business development centers, the science
 43 and technology research park, and the institute for
 44 physical research and technology, and for not more than
 45 the following full-time equivalent positions:
 46 \$ ~~1,212,151~~
 47 2,424,302
 48 FTEs 56.63

49 2. Of the moneys appropriated in subsection 1,
 50 Iowa state university of science and technology shall

1 allocate at least ~~\$468,178~~ \$936,345 for purposes of
2 funding small business development centers. Iowa state
3 university of science and technology may allocate
4 moneys appropriated in subsection 1 to the various
5 small business development centers in any manner
6 necessary to achieve the purposes of this subsection.

7 3. Iowa state university of science and technology
8 shall do all of the following:

9 a. Direct expenditures for research toward projects
10 that will provide economic stimulus for Iowa.

11 b. Provide emphasis to providing services to
12 Iowa-based companies.

13 4. It is the intent of the general assembly
14 that the industrial incentive program focus on Iowa
15 industrial sectors and seek contributions and in-kind
16 donations from businesses, industrial foundations, and
17 trade associations, and that moneys for the institute
18 for physical research and technology industrial
19 incentive program shall be allocated only for projects
20 which are matched by private sector moneys for directed
21 contract research or for nondirected research. The
22 match required of small businesses as defined in
23 section 15.102, subsection ~~6~~ 10, for directed contract
24 research or for nondirected research shall be \$1 for
25 each \$3 of state funds. The match required for other
26 businesses for directed contract research or for
27 nondirected research shall be \$1 for each \$1 of state
28 funds. The match required of industrial foundations
29 or trade associations shall be \$1 for each \$1 of state
30 funds.

31 Iowa state university of science and technology
32 shall report annually to the joint appropriations
33 subcommittee on economic development and the
34 legislative services agency the total amount of
35 private contributions, the proportion of contributions
36 from small businesses and other businesses, and
37 the proportion for directed contract research and
38 nondirected research of benefit to Iowa businesses and
39 industrial sectors.

40 5. Notwithstanding section 8.33, moneys
41 appropriated in this section that remain unencumbered
42 or unobligated at the close of the fiscal year shall
43 not revert but shall remain available for expenditure
44 for the purposes designated until the close of the
45 succeeding fiscal year.

46 Sec. 13. 2011 Iowa Acts, chapter 130, section 58,
47 is amended to read as follows:

48 SEC. 58. UNIVERSITY OF IOWA.

49 1. There is appropriated from the general fund
50 of the state to the state university of Iowa for the

1 fiscal year beginning July 1, 2012, and ending June
 2 30, 2013, the following amount, or so much thereof
 3 as is necessary, to be used for the state university
 4 of Iowa research park and for the advanced drug
 5 development program at the Oakdale research park,
 6 including salaries, support, maintenance, equipment,
 7 miscellaneous purposes, and for not more than the
 8 following full-time equivalent positions:

9	\$	104,640
10		<u>209,279</u>
11	FTEs	<u>6.00</u>

12 2. The state university of Iowa shall do all of the
 13 following:

14 a. Direct expenditures for research toward projects
 15 that will provide economic stimulus for Iowa.

16 b. Provide emphasis to providing services to
 17 Iowa-based companies.

18 3. Notwithstanding section 8.33, moneys
 19 appropriated in this section that remain unencumbered
 20 or unobligated at the close of the fiscal year shall
 21 not revert but shall remain available for expenditure
 22 for the purposes designated until the close of the
 23 succeeding fiscal year.

24 Sec. 14. 2011 Iowa Acts, chapter 130, section 59,
 25 is amended to read as follows:

26 SEC. 59. UNIVERSITY OF NORTHERN IOWA.

27 1. There is appropriated from the general fund of
 28 the state to the university of northern Iowa for the
 29 fiscal year beginning July 1, 2012, and ending June 30,
 30 2013, the following amount, or so much thereof as is
 31 necessary, to be used for the metal casting institute,
 32 the MyEntreNet internet application, and the institute
 33 of decision making, including salaries, support,
 34 maintenance, miscellaneous purposes, and for not more
 35 than the following full-time equivalent positions:

36	\$	287,358
37		<u>718,716</u>
38	FTEs	<u>6.75</u>

39 2. Of the moneys appropriated pursuant to
 40 subsection 1, the university of northern Iowa shall
 41 allocate at least ~~\$58,820~~ \$261,639 for purposes of
 42 support of entrepreneurs and small and micro businesses
 43 through the university's regional business center.

44 3. The university of northern Iowa shall do all of
 45 the following:

46 a. Direct expenditures for research toward projects
 47 that will provide economic stimulus for Iowa.

48 b. Provide emphasis to providing services to
 49 Iowa-based companies.

50 4. Notwithstanding section 8.33, moneys

1 appropriated in this section that remain unencumbered
2 or unobligated at the close of the fiscal year shall
3 not revert but shall remain available for expenditure
4 for the purposes designated until the close of the
5 succeeding fiscal year.

6 Sec. 15. 2011 Iowa Acts, chapter 130, is amended by
7 adding the following new section:

8 SEC. 60A. REGENTS INNOVATION FUND.

9 1. There is appropriated from the general fund
10 of the state to the institutions of higher learning
11 under the control of the state board of regents for the
12 fiscal year beginning July 1, 2012, and ending June 30,
13 2013, the following amount to be used for the purposes
14 provided in this section:

15 \$ 3,800,000

16 Of the moneys appropriated pursuant to this section,
17 thirty-five percent shall be allocated for Iowa state
18 university, thirty-five percent shall be allocated
19 for university of Iowa, and thirty percent shall be
20 allocated for university of northern Iowa.

21 2. The institutions shall use moneys appropriated
22 in this section for capacity building infrastructure
23 in areas related to technology commercialization,
24 marketing and business development efforts in
25 areas related to technology commercialization,
26 entrepreneurship, and business growth, and
27 infrastructure projects and programs needed to assist
28 in the implementation of activities under chapter 262B.

29 3. The institutions shall provide a one-to-one
30 match of additional moneys for the activities funded
31 with moneys appropriated under this section.

32 4. The state board of regents shall annually
33 prepare a report for submission to the governor, the
34 general assembly, and the legislative services agency
35 regarding the activities, projects, and programs
36 funded with moneys allocated under this section. The
37 report shall be provided in an electronic format and
38 shall include a list of metrics and criteria mutually
39 agreed to in advance by the board of regents and
40 the economic development authority. The metrics and
41 criteria shall allow the governor's office and the
42 general assembly to quantify and evaluate the progress
43 of the board of regents institutions with regard to
44 their activities, projects, and programs in the areas
45 of technology commercialization, entrepreneurship,
46 regional development, and market research.

47 Sec. 16. 2011 Iowa Acts, chapter 130, section 67,
48 subsection 1, is amended to read as follows:

49 1. There is appropriated from the general fund
50 of the state to the Iowa finance authority for the

1 fiscal year beginning July 1, 2012, and ending June 30,
2 2013, the following amount, or so much thereof as is
3 necessary, to be used to provide reimbursement for rent
4 expenses to eligible persons under the rent subsidy
5 program:

6	\$	329,000
7		<u>658,000</u>

8 Sec. 17. 2011 Iowa Acts, chapter 130, section 69,
9 is amended to read as follows:

10 SEC. 69. PUBLIC EMPLOYMENT RELATIONS BOARD.

11 1. There is appropriated from the general fund of
12 the state to the public employment relations board for
13 the fiscal year beginning July 1, 2012, and ending June
14 30, 2013, the following amount, or so much thereof as
15 is necessary, for the purposes designated:

16 For salaries, support, maintenance, miscellaneous
17 purposes, and for not more than the following full-time
18 equivalent positions:

19	\$	528,936
20		<u>1,148,426</u>
21	FTEs	<u>10.00</u>

22 2. Of the moneys appropriated in this section,
23 the board shall allocate \$15,000 for maintaining a
24 website that allows searchable access to a database of
25 collective bargaining information.

26 DIVISION II

27 FY 2012 – 2013 WORKFORCE DEVELOPMENT APPROPRIATIONS

28 Sec. 18. LEGISLATIVE FINDINGS. It is the finding
29 of the general assembly that the recent Iowa supreme
30 court decision of Homan v. Branstad, No. 11-2022,
31 March 16, 2012, has invalidated the proper enactment
32 of certain provisions contained in the 2011 Iowa Acts,
33 chapter 130 ([Senate File 517](#)). It is the intent of
34 the general assembly to reenact, as amended, certain
35 invalidated provisions of Senate File 517 that were
36 published in the 2011 Iowa Acts and to validate actions
37 entered into in reliance on the enactment of the
38 invalidated provisions published in the 2011 Iowa Acts.

39 Sec. 19. DEPARTMENT OF WORKFORCE

40 DEVELOPMENT. There is appropriated from the general
41 fund of the state to the department of workforce
42 development for the fiscal year beginning July 1, 2012,
43 and ending June 30, 2013, the following amounts, or
44 so much thereof as is necessary, for the purposes
45 designated:

46 1. DIVISION OF LABOR SERVICES

47 a. For the division of labor services, including
48 salaries, support, maintenance, miscellaneous
49 purposes, and for not more than the following full-time
50 equivalent positions:

1	\$	3,548,440
2	FTEs	65.00

3 b. From the contractor registration fees, the
4 division of labor services shall reimburse the
5 department of inspections and appeals for all costs
6 associated with hearings under chapter 91C, relating
7 to contractor registration.

8 c. Of the moneys appropriated under this
9 subsection, the department shall allocate \$53,000 for
10 the purpose of employing an additional investigator to
11 investigate wage enforcement.

12 2. DIVISION OF WORKERS' COMPENSATION

13 a. For the division of workers' compensation,
14 including salaries, support, maintenance, miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:

17	\$	3,102,044
18	FTEs	31.00

19 b. The division of workers' compensation shall
20 charge a \$100 filing fee for workers' compensation
21 cases. The filing fee shall be paid by the petitioner
22 of a claim. However, the fee can be taxed as a cost
23 and paid by the losing party, except in cases where
24 it would impose an undue hardship or be unjust under
25 the circumstances. The moneys generated by the filing
26 fee allowed under this subsection are appropriated to
27 the department of workforce development to be used for
28 purposes of administering the division of workers'
29 compensation.

30 c. Of the moneys appropriated under this
31 subsection, the department shall allocate \$153,000 for
32 the purpose of employing a chief deputy commissioner.

33 3. WORKFORCE DEVELOPMENT OPERATIONS

34 a. For the operation of field offices, the
35 workforce development board, and for not more than the
36 following full-time equivalent positions:

37	\$	9,671,352
38	FTEs	130.00

39 b. Of the moneys appropriated in paragraph "a" of
40 this subsection, the department shall allocate at least
41 \$1,130,602 for the operation of satellite field offices
42 in Decorah, Fort Madison, Iowa City, and Webster City,
43 and of the moneys appropriated in paragraph "a" of this
44 subsection, the department shall allocate \$150,000
45 to the state library for the purpose of licensing an
46 online resource which prepares persons to succeed in
47 the workplace through programs which improve job skills
48 and vocational test-taking abilities.

49 c. Of the moneys appropriated in paragraph "a" of
50 this subsection the department shall not allocate more

1 than \$208,294 for the purpose of the administration
2 cost pool.

3 4. OFFENDER REENTRY PROGRAM

4 a. For the development and administration of an
5 offender reentry program to provide offenders with
6 employment skills, and for not more than the following
7 full-time equivalent positions:

8	\$	284,464
9	FTEs	4.00

10 b. The department shall partner with the department
11 of corrections to provide staff within the correctional
12 facilities to improve offenders' abilities to find and
13 retain productive employment.

14 5. NONREVERSION

15 Notwithstanding section 8.33, moneys appropriated in
16 this section that remain unencumbered or unobligated
17 at the close of the fiscal year shall not revert but
18 shall remain available for expenditure for the purposes
19 designated until the close of the succeeding fiscal
20 year.

21 Sec. 20. EMPLOYMENT SECURITY CONTINGENCY FUND.

22 1. There is appropriated from the special
23 employment security contingency fund to the department
24 of workforce development for the fiscal year beginning
25 July 1, 2012, and ending June 30, 2013, the following
26 amount, or so much thereof as is necessary, to be used
27 for field offices:

28	\$	1,217,084
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29 2. There is appropriated from the special
30 employment security contingency fund to the division of
31 workers' compensation of the department of workforce
32 development for the fiscal year beginning July 1, 2012,
33 and ending June 30, 2013, the following amount or so
34 much thereof as is necessary, to be used for hiring
35 and compensating a deputy commissioner of workers'
36 compensation.

37	\$	160,000
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38 3. There is appropriated from the special
39 employment security contingency to the department of
40 workforce development for the fiscal year beginning
41 July 1, 2012, and ending June 30, 2013, the following
42 amount, or so much thereof as is necessary, to be used
43 for the reopening of satellite field offices in Ames,
44 Atlantic, Denison, and Newton:

45	\$	1,200,000
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46 4. Any remaining additional penalty and interest
47 revenue collected by the department of workforce
48 development is appropriated to the department for the
49 fiscal year beginning July 1, 2012, and ending June 30,
50 2013, to accomplish the mission of the department.

1 Sec. 21. UNEMPLOYMENT COMPENSATION RESERVE FUND
2 - FIELD OFFICES. Notwithstanding section 96.9,
3 subsection 8, paragraph "e", there is appropriated
4 from interest earned on the unemployment compensation
5 reserve fund to the department of workforce development
6 for the fiscal year beginning July 1, 2012, and ending
7 June 30, 2013, the following amount or so much thereof
8 as is necessary, for the purposes designated:

9 For the operation of field offices:
10 \$ 633,000

11 Sec. 22. GENERAL FUND - EMPLOYEE MISCLASSIFICATION
12 PROGRAM. There is appropriated from the general fund
13 of the state to the department of workforce development
14 for the fiscal year beginning July 1, 2012, and
15 ending June 30, 2013, the following amount, or so much
16 thereof as is necessary, to be used for the purposes
17 designated:

18 For enhancing efforts to investigate employers that
19 misclassify workers and for not more than the following
20 full-time equivalent positions:

21 \$ 451,458
22 FTEs 8.10

23 Sec. 23. VIRTUAL ACCESS WORKFORCE DEVELOPMENT
24 OFFICES. The department of workforce development shall
25 require a unique identification login for all users
26 of workforce development centers operated through
27 electronic means.

28 DIVISION III
29 MISCELLANEOUS PROVISIONS

30 Sec. 24. 2010 Iowa Acts, chapter 1184, section 26,
31 as amended by 2011 Iowa Acts, chapter 131, section 105,
32 is amended to read as follows:

33 SEC. 26. There is appropriated from the rebuild
34 Iowa infrastructure fund to the department of economic
35 development for deposit in the grow Iowa values fund,
36 for the fiscal year beginning July 1, 2010, and ending
37 June 30, 2011, the following amount, notwithstanding
38 section 8.57, subsection 6, paragraph "c":

39 \$ 38,000,000

40 Of the moneys appropriated in this section, from
41 the amount allocated to the department of economic
42 development in accordance with 2010 Iowa Acts, chapter
43 1184, section 28, subsection 1, ~~\$1,200,000~~ \$1,417,219
44 shall be used for the department's Iowans helping
45 Iowans business assistance program. Notwithstanding
46 section 8.33, moneys designated pursuant to this
47 unnumbered paragraph that remain unencumbered or
48 unobligated at the close of the fiscal year shall not
49 revert but shall remain available for expenditure
50 for the purposes designated until the close of the

1 succeeding fiscal year.

2 Sec. 25. Section 15G.111, subsection 2, paragraph
3 b, subparagraph (1), Code Supplement 2011, is amended
4 by striking the subparagraph and inserting in lieu
5 thereof the following:

6 (1) For the fiscal year beginning July 1, 2011,
7 and ending June 30, 2012, the authority shall allocate
8 three hundred fifty thousand dollars for purposes of
9 providing financial assistance to Iowa's councils of
10 governments. Notwithstanding section 8.33, moneys
11 allocated pursuant to this subparagraph that remain
12 unencumbered or unobligated at the close of the fiscal
13 year shall not revert to the fund from which allocated
14 at the close of the fiscal year but shall remain
15 available for expenditure for the purposes designated
16 until the close of the succeeding fiscal year.

17 Sec. 26. Section 123.183, subsection 2, paragraph
18 b, subparagraph (2), subparagraph division (a), Code
19 Supplement 2011, is amended to read as follows:

20 (a) To the midwest grape and wine industry
21 institute at Iowa state university of science and
22 technology, ~~one hundred twenty~~ two hundred fifty
23 thousand dollars.

24 Sec. 27. Section 303.1, subsection 4, Code 2011, is
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. e. Film office.

27 Sec. 28. NEW SECTION. 303.95 Film office.

28 The department shall establish and administer a film
29 office. The purpose of the film office is to assist
30 legitimate film, television, and video producers in the
31 production of film, television, and video projects in
32 the state and to create a positive fiscal impact on the
33 state's economy through such projects.

34 Sec. 29. TRANSITIONAL PROVISIONS – EMERGENCY
35 ADMINISTRATIVE RULEMAKING. The department of cultural
36 affairs may adopt emergency rules under section
37 17A.4, subsection 3, and section 17A.5, subsection 2,
38 paragraph "b", to implement the provisions of this Act
39 relating to a film office in the department of cultural
40 affairs, and the rules shall be effective January 1,
41 2013, unless a later date is specified in the rules.
42 Any rules adopted in accordance with this section shall
43 also be published as a notice of intended action as
44 provided in section 17A.4.

45 Sec. 30. EFFECTIVE UPON ENACTMENT. The following
46 provision or provisions of this division of this Act,
47 being deemed of immediate importance, take effect upon
48 enactment:

49 1. The section of this division of this Act
50 amending 2010 Iowa Acts, chapter 1184, section 26.

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1 2. The section of this division of this Act
2 amending section 15G.111.

3 3. The section of this division of this Act
4 providing for emergency rulemaking.>

5 2. Title page, line 6, by striking <and
6 retroactive>

7 3. By renumbering as necessary.

By WILLIAM DOTZLER

S-5167 FILED APRIL 3, 2012

HOUSE FILE 2399

S-5159

1 Amend House File 2399, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, line 4, after <agency> by inserting <or
4 other officer or employee designated by a county or
5 city to enforce this section>

6 2. Page 2, line 5, after <agency> by inserting <or
7 designated officer or employee of a county or city>

8 3. Page 2, line 6, by striking <a criminal> and
9 inserting <an>

10 4. Page 2, line 7, after <agency> by inserting <or
11 designated officer or employee of a county or city>

12 5. Page 2, line 9, after <in> by inserting
13 <enforcement of this section or>

14 6. Page 3, after line 7 by inserting:

15 <Sec. _____. Section 805.8C, Code 2011, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 9. Scrap metal transaction
18 violations. For violations of section 714.27, the
19 scheduled fine is one hundred dollars for a first
20 violation, five hundred dollars for a second violation
21 within two years, and one thousand dollars for a
22 third or subsequent violation within two years. The
23 scheduled fine under this subsection is a civil penalty
24 which shall be deposited into the general fund of the
25 county or city if imposed by a designated officer or
26 employee of a county or city, or deposited in the
27 general fund of the state if imposed by a state law
28 enforcement agency, and the criminal penalty surcharge
29 under section 911.1 shall not be added to the penalty.>

30 7. By renumbering as necessary.

By TOM HANCOCK

S-5159 FILED APRIL 3, 2012

HOUSE FILE 2399

S-5160

1 Amend House File 2399, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 30, before <The> by inserting <a.>
4 2. Page 2, after line 32 by inserting:
5 <b. Notwithstanding paragraph "a" of this
6 subsection, a city ordinance regarding scrap metal or
7 other scrap material in effect prior to January 1,
8 2012, in a city with a population exceeding one hundred
9 fifty thousand as shown by the 2010 federal decennial
10 census may continue to be enforced by the city which
11 adopted it.>

By TOM HANCOCK

S-5160 FILED APRIL 3, 2012

Fiscal Note

Fiscal Services Division



SF 2327 – Food Donation Tax Credit (LSB 5256SW)

Analyst: Jeff Robinson (Phone: 515-281-4614) (jeff.robinson@legis.state.ia.us)

Fiscal Note Version – New

Description

Senate File 2327 creates a new tax credit for food producers that donate produce to Iowa food banks or other Iowa emergency feeding organizations. The tax credit is equal to 10.0% of the wholesale value of the food donated. The credit is further limited to no more than \$5,000 per taxpayer per year. If the taxpayer uses the new tax credit, the taxpayer is not allowed to claim the same donation as an Iowa itemized deduction. The tax credit is not refundable but unused credits may be carried forward for up to five tax years. The credit is available beginning tax year 2013.

Assumptions

The Department of Revenue identified a similar food donation tax credit program enacted in October 2011 in the State of California. In that State, the estimated tax credit impact was \$200,000 per year. The State of California has a significantly higher population and a larger base of farms that produce the type of commodities utilized directly for human consumption. For this estimate, the Iowa impact was assumed to be no more than 20.0% of the estimated impact in California.

Fiscal Impact

The food donation tax credit created in the Bill is projected to reduce net State General Fund revenue by no more than \$40,000 per year, beginning FY 2014.

Sources

Department of Revenue

April 3, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



SF 2329 – Sales Tax Rebate for Field of Dreams (LSB 5471SZ)
Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version – New

Description

Senate File 2329 provides a sales tax rebate to owners of a baseball and softball tournament facility and movie site that meet the requirements as specified in the Bill. The proposed complex near Dyersville meets the requirements specified in the Bill. The rebate will begin January 1, 2014, and remain in place for 10 years or until a total of \$16.5 million in sales tax has been rebated.

Background

The Bill limits eligibility for the sales tax rebate to the proposed baseball and softball tournament facility near Dyersville. Additionally, the Bill requires the cost of construction upon completion to total at least \$38.0 million.

Assumption

The estimate assumes that the project will proceed under current law.

Fiscal Impact

The baseball and softball tournament facility and movie site will receive a maximum sales tax rebate totaling \$16.5 million over 10 fiscal years, beginning in FY 2015. State sales/use tax for school infrastructure (Secure an Advanced Vision for Education – SAVE) funds will not be rebated.

Sources

Department of Revenue
Strategic Economics Group

/s/ Holly M. Lyons

April 3, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



SF 2330 – Sales and Use Tax Nexus (LSB 5408SZ)

Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)

Fiscal Note Version – New

Description

Senate File 2330 expands the definition, for sales and use tax collection purposes, of a retailer maintaining a place of business in the State to include any person that has substantial nexus in Iowa, other than a common carrier, if that person engages in any of the following activities:

- Sells a similar line of products as the retailer and does so under the same or a similar name.
- Maintains an office, distribution facility, warehouse, storage place, or similar place of business in the State to facilitate the delivery of property or services sold by the retailer to the retailer's customers.
- Uses trademarks, service marks, or trade names in the State that are the same or substantially similar to those used by the retailer.
- Delivers, installs, assembles, or performs maintenance services for the retailer's customers.
- Facilitates the retailer's deliveries of property to customers in the State by allowing the retailer's customers to take delivery of property sold by the retailer at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in the State.
- Conducts any other activities in the State that are significantly associated with the retailer's ability to establish and maintain a market for the retailer's sales.

Assumptions

- The United States e-commerce share of retail sales is calculated at 4.5% (based on U.S. Census Bureau retail sales data from March 2006 through December 2011).
- Iowa taxable retail sales data for FY 2007 through FY 2011 is from the Department of Revenue's sales and use tax database.
- Currently, approximately 15.0% of e-commerce sales in the State are subject to State sales tax. Those sales are made by businesses with nexus under current law.
- Additionally, some online retailers participate in the Streamlined Sales Tax Program and currently collect and remit sales tax on purchases made by Iowa residents. The amount collected in FY 2011 was approximately \$12.0 million.
- Iowa residents that make online purchases are required to pay consumer use tax for taxable items. However, compliance and enforcement are minimal.
- Current estimates indicate that the percentage of e-commerce sales not subject to sales tax ranges between 25.0% - 75.0%. This estimate assumes the maximum rate of 75.0% of e-commerce sales are not subject to sales tax. Currently, the Department of Revenue already considers some of the expanded definitions provided in the Bill to establish nexus; therefore, companies meeting those criteria should already be remitting sales tax. Based on the current status, it is assumed the additional percent of e-commerce retail sales that will now be subject to sales tax is 10.0%.
- The average annual growth rate of e-commerce retail sales share of total retail sales is 8.6% (based on the national e-commerce share of retail sales from FY 2007 to FY 2011).
- Annual average taxable retail sales are estimated to increase 3.7% in FY 2012, 3.4% in FY 2013, 3.7% in FY 2014, 4.4% in FY 2015, and 3.8% in FY 2016.

- The State sales tax rate is 6.0% with five-sixths of the State sales tax deposited in the General Fund and one-sixth deposited in the Secure an Advanced Vision for Education (SAVE) Fund. The statewide average local option sales tax (LOST) rate is 0.87%.

Fiscal Impact

The provisions of [SF 2330](#) provide for the potential of increased sales tax collection from e-commerce sales within the State. Based on the assumptions noted above, the potential impact on State sales tax revenue will be an estimated increase of approximately \$4.7 million in FY 2013, \$5.3 million in FY 2014, \$6.0 million in FY 2015, and \$6.8 million in FY 2016. Increases in the State sales tax will impact General Fund and SAVE revenues. Additionally, LOST revenue may increase as well. The following table provides the estimated fiscal impact from FY 2013 through FY 2016.

Estimated Fiscal Impact of Bill (Dollars in Millions)					
	State Sales Tax	General Fund	SAVE Fund	LOST	
FY 2013	\$ 4.7	\$ 3.9	\$ 0.8	\$ 0.7	
FY 2014	5.3	4.4	0.9	0.8	
FY 2015	6.0	5.0	1.0	0.9	
FY 2016	6.8	5.7	1.1	1.0	
SAVE = Secure an Advanced Vision for Education					
LOST = Local Option Sales Tax					

Sources

Iowa Department of Revenue
LSA calculations

/s/ Holly M. Lyons

April 3, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
